

Senate that the House had passed the following Senate Bills with amendments.

A bill to permit free persons of African decent to select their own masters and become slaves, and

A bill to provide for boring Artesian Wells between the Nueces and Rio Grande Rivers.

Mr. Taylor, of Fannin moved a reconsideration of the vote upon the passage of the bill for the relief of the Houston and Texas Central Railroad Company ; carried.

On motion of Mr. Stockdale, the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, January 26th, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Caldwell presented the petition of Joseph E. Field ; referred to the committee on Private Land Claims.

Mr. McCulloch made the following report :

The committee on Counties and County Boundaries have considered a bill to amend an act to locate the seat of Justice of Kaufman county, approved December 2d, 1850, and an act to provide for the erection of public buildings in Kaufman county, approved December 13th, 1851, and direct me to return the bill to the Senate and recommend its passage.

On motion of Mr. Throckmorton, the rule was suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

Mr. Paschal made the following report :

The committee on Internal Improvements instruct me to report the accompanying bill and recommend its passage.

A bill to amend the 19th section of the charter of the Southern Pacific Railroad Company, incorporated by the name of the Texas Western Railroad Company, the 16th day of February, 1852, to declare and make plain the meaning of the same ; read first time.

On motion of Mr. Hyde, the House bill to purchase a permanent site for the Institution for the Deaf and Dumb, with the report of the committee on Education, offering amend-

ments thereto, was taken up, read, and the amendments adopted.

The bill was then passed to a third reading.

On motion of Mr. Taylor, of Cass, the bill was further amended by adding—

“And further provided that not more than \$3,500 be paid for the premises now occupied by the Deaf and Dumb,” by the following vote :

YEAS.—Messrs. Britton, Burroughs, Erath, Fall, Graham, Guinn, Hyde, Lott, Martin, Pirkey, Russell, Scarborough, Taylor of Fannin, Taylor of Cass, Throckmorton, Truitt, Walker, Whaley, Wigfall and Wren—20.

NAYS.—Messrs Caldwell, Grimes, Herbert, McCulloch, Potter, Quinan, Shepard, Stockdale, Tankersly and Taylor, of Houston—10.

On motion of Mr. Tankersly, a House bill to incorporate the Houston Insurance Company, with the report of the committee on the Judiciary, offering amendments thereto, was taken up, read, and the amendments adopted.

The bill was then passed to a third reading.

On motion of Mr. Tankersly, the rule was suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Hyde, Lott, McCulloch, Martin, Pirkey, Potter, Quinan Russell, Scarborough, Stockdale, Tankersly, Taylor, of Cass, Taylor, of Fannin, Taylor, of Houston, Throckmorton, Truitt, Walker, Whaley and Wren—27.

NAYS—None.

Mr. Throckmorton made the following report :

The committee of Conference, to which was referred the Senate's bill, amending an act incorporating the Memphis, El Paso and Pacific Railroad Company, approved January 4th, 1856, together with the the third amendment offered by the House of Representatives thereto, and which was not concurred in by the Senate, and adhered to on the part of the House, have maturely considered the same. The committee herewith report the accompanying amendment to come in at the end of said third amendment of the House, and respectfully recommend the adoption of the amendment and the passage of the bill.

AMENDMENT—"And provided further that the reservation granted said company by the act to which this is amendatory shall not control or effect the survey of any actual settler within said reservation, who was settled upon the same, had his land surveyed and field notes recorded prior to the 20th day of June, 1857, unless such settler shall fail within twelve months from the passage of this act, to perfect his title thereto, or relocate the same with a genuine land certificate or scrip purchased from the State."

Mr. Throckmorton moved a suspension of the rules, so as to take up the report.

On motion of Mr. Wigfall a call of the Senate was ordered.

Absent: Messrs. Maverick, Paschal and Pedigo.

Mr. Burroughs, from the committee on Enrolled Bills, reported—

A bill to incorporate the Dallas Lodge, No. 44, I. O. O. F.; and

A bill to incorporate the Millville Male and Female Institute, in Rusk county—correctly enrolled properly signed, and this day presented to the Governor.

Mr. Russell, Chairman of the committee on Engrossed Bills reported the following bills correctly engrossed:

A bill to incorporate the town of Victoria.

A joint resolution relative to frontier protection: and

A bill to authorize the Governor to appoint an agent for the Alabama and Cooshattie Indians.

A message was received from the House informing the Senate that the House had passed the following bills originating in that body:

A bill to amend the charter of the Houston and Texas Central Railway Company.

A bill for the relief of the Houston and Texas Central Railway Company.

A bill to create the counties of Wichita, Concho, Coleman, Zavalla, Frio, McMullen, Shackelford, Dawson, Eastland, Baylor, Dimmit, Callahan, Runnels, Taylor, Jones, Haskell, Knox, Hardeman, LaSalle and Duval; and

A bill making an appropriation for the purchase of a permanent location for the institution for the education of the blind for the State of Texas.

And also a Senate bill for the better protection of the frontier, with an amendment.

On motion of Mr. Tankersly, a House bill for the relief of

the Houston and Texas Central Railway Company was taken up and read first time.

On motion of Mr. Tankersly, the rule was suspended and bill read a second time.

On motion of Mr. Pirkey a call of the Senate was ordered.

Absent: Messrs. Maverick, Paschal and Pedigo.

On motion of Mr. Tankersly a House bill to amend the charter of the Houston and Texas Central Railway Company was taken up and read first time.

On motion of Mr. Tankersly the rule was suspended, and bill read a second time.

On motion of Mr. Pirkey, a call of the Senate was ordered.

Absentees, same as above.

Mr. Tankersly introduced a bill for the relief of Alexander McGown; read first and second times and referred to the committee on Public Debt.

Mr. Britton introduced a bill to incorporate the Corpus Christi Academy; read first and second times and referred to the committee on Education.

Mr. Stockdale introduced a joint resolution to establish an overland weekly mail from Texas to California; read first time.

On motion of Mr. Stockdale the rule was suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

On motion of Mr. Russell, the Senate proceeded to the consideration of Senate bills, which had passed the House, with amendments, and the Senate concurred in the amendments of the House to the following Senate bills.

A bill to provide for boring artesian wells between the Nueces and Rio Grande rivers.

A bill to permit free persons of African descent to select their own masters and become slaves.

A bill to legalize the official acts of Wm. T. Harris, County Surveyor of Wood county: and

A bill for the relief of Wm. J. Whiting.

A House bill to purchase the Alamo monument, with amendments from the Senate, in which the House refused to concur, was read, and the Senate refused to recede from its amendments.

The Senate being full, proceeded to the consideration of the motion of Mr. Throckmorton to suspend the rules in order that the report of the committee of Conference upon the bill

supplemental to and amendatory of the act to incorporate the Memphis, El Paso and Pacific Railroad Company, might be taken up for adoption, and the motion prevailed.

Mr. Wigfall moved the reference of the report and bill to a committee of the Whole.

Mr. Throckmorton moved the previous question, which was ordered.

The President ruled that the effect of the previous question in this case was to bring the Senate to a vote directly upon the motion of Mr. Wigfall, to refer the bill to a committee of the Whole.

Which motion prevailed, and the Senate went into a committee of the whole, Mr. Wigfall in the chair.

After a partial consideration of the subject matter, the committee rose, and through its chairman reported progress and asked leave to sit again.

The report was received and adopted.

On motion of Mr. Britton, the Senate adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

The House bill to amend the charter of the Houston and Texas Central Railroad, was read a second time and passed to a third reading.

Mr. Taylor, of Cass, moved a suspension of the rules, in order that the bill might be put upon its final passage. Lost.

The House bill for the relief of the Houston and Texas Central Railroad Company was read, and on motion of Mr. Wigfall, laid on the table.

A message was received from the House informing the Senate that the House had passed the Senate's substitute, entitled "A joint resolution to procure the erection of post-offices and court houses for the use of the United States District Court," for the joint resolution of the House relative to the same subject; and that the House had appointed Messrs. Brown, Bishop, Witt, Shannon and Reeves, a joint select committee on the part of that body upon the bill creating the twentieth Judicial District: and requested the appointment of a like committee on the part of the Senate.

Mr. Taylor, of Houston Chairman of the committee on Enrolled Bills, reported the following bills—correctly enrolled, properly signed and this day presented to the Governor.

A bill to incorporate the town of Clinton in DeWitt county.

A bill to provide for boring artesian wells between the Nueces and Rio Grande Rivers.

A bill to provide for the incorporation of towns and cities.

A bill to legalize the official acts of Wm. L. Harris, Surveyor of Wood county.

A bill for the relief of Wm. J. Whiting.

A bill to amend the first section of an act to change the time of holding the County Courts of Upshur county, approved November 13, 1857; and

A bill to permit free persons of African descent to select their own masters and become slaves.

On motion of Mr. Potter, the report of the Judiciary committee, offering a substitute for a bill to incorporate the San Antonio Water Company, was taken from the table, read, substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Paschal, the rule was suspended, bill read a third time, and passed by the following vote:

YEAS—Messrs Britton, Burroughs, Caldwell, Erath, Fall, Graham, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Paschal, Pirkey, Potter, Quinan, Russell, Scarborough, Shepard, Stockdale, Tankersly, Taylor of Cass, Throckmorton, Truitt, Walker and Wren—26.

NAYS.—None.

The President submitted to the Senate a communication addressed to him by Thomas William Ward, containing the proceedings of a public meeting, held in this place, on yesterday evening, over which Mr. Ward presided, in relation to the late Indian depredations, which was read, and on motion of Mr. Britton, referred to the committee on Indian Affairs.

On motion of Mr. Erath, the Senate concurred in the amendments of the House to a Senate bill for the better protection of the frontier.

On motion of Mr. Paschal, the House bill to incorporate the Beneficiary Association of San Antonio, with the report of the Judiciary committee, offering amendments thereto, was taken up, read, amendments adopted, and bill passed to a third reading.

Rule suspended, bill read a third time, and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Caldwell, Fall, Guinn,

Herbert, Hyde, Lott, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale, Tankersly, Taylor, of Cass, Taylor, of Houston, Throckmorton, Truitt, Walker, and Wigfall—24.

NAYS—None.

On motion of Mr. Stockdale, a bill to incorporate the Marcellino Mill, Manufacturing and Bridge Company was read and ordered to be engrossed.

On motion of Mr. Paschal, the rule was suspended, bill read a third time and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Fall, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey, Potter, Quinan, Scarborough, Stockdale, Tankersly, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt, Walker, Whaley, Wigfall and Wren—26.

NAYS—None.

On motion of Mr. Potter, a bill to provide for the organization of a State Lunatic Asylum, and for the care and maintenance of the insane, was taken up, read and ordered to be engrossed.

On motion of Mr. Quinan, the rule was suspended, bill read a third time and passed.

On motion of Mr. Russell, a committee of Conference was ordered to be raised, upon the amendments of the Senate to a House bill to purchase the Alamo monument, in which the House refused to concur, and from which the Senate refused to recede, and a like committee was requested on the part of the House.

Messrs. Russell, Paschal and Herbert were appointed the committee on the part of the Senate.

On motion of Mr. Walker, the report of the committee on Counties and County Boundaries, offering a substitute for a bill for the relief of the County Surveyor of Parker county, was taken up, read, and substitute adopted.

On motion of Mr. McCulloch, the bill was amended by striking out \$50, and inserting \$100 in lieu thereof.

On motion of Mr. Throckmorton, the bill was further amended, by adding—

“And \$200 to be paid to the Surveyor of Young Land District, upon his furnishing the Commissioner of the General Land Office a complete map of the surveys of his District.”

Mr. Guinn moved the indefinite postponement of the bill.
Lost.

Upon the engrossment, the yeas and nays being called, stood thus :

YEAS—Messrs. Britton, Erath, Hyde, McCulloch, Paschal, Shepard, Stockdale, Tankersly, Throckmorton, and Walker—10.

NAYS — Messrs. Burroughs, Caldwell, Fall, Graham, Grimes, Guinn, Maverick, Pirkey, Potter, Quinan, Taylor, of Cass, Taylor, of Houston, Truitt and Wren—14.

So the bill was rejected.

On motion of Mr. Caldwell, the Senate proceeded to the consideration of the following House bills, on their first reading.

A bill to incorporate the Mexican Gulf, Texas and Missouri Railroad Company, was read first and second times and referred to the committee on Internal Improvements.

A bill for the relief of Teresa Highsmith ; read first and second times, and referred to the committee on Private Land Claims.

A bill for the relief of Isaac W. Hitchcock, was read first and second times, and referred to the committee on Private Land Claims.

A bill for the relief of Wm. Parmer, or his assigns, read first and second times, and referred to same committee.

A bill to amend the second section of an act to incorporate the Eastern Texas and Red River Insurance Company ; read first and second times, and referred to the committee on the Judiciary.

A bill defining the seventh Judicial District, and the time of holding courts therein ; read first and second times, and referred to the same committee.

A bill to define the time of holding courts in the eighteenth Judicial District ; read first and second times and referred to the same committee.

A bill to define the boundaries between the counties of Hill, Navarro and Limestone ; read first and second times, and referred to the committee on Counties and County Boundaries.

A bill to amend an act to create the fifteenth Judicial District, &c. ; read first and second times and referred to the committee on the Judiciary.

A bill to define the time of holding the District Courts in the fifth Judicial District ; read first time.

On motion of Mr. Burroughs, the rule was suspended, bill read a second time and passed to a third reading.

A bill to incorporate the Union Hill High School; read first time.

On motion of Mr. Shepard, the rule was suspended, bill read second time.

On motion of Mr. Quinan, the bill was amended by limiting the duration of the charter to twenty years.

The bill was then passed to a third reading.

Rule further suspended, bill read a third time and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Tankersly, Taylor, of Cass, Taylor, of Houston, Throckmorton, Truitt, Walker and Wren.—24.

NAYS—None.

A bill to provide for transcribing county records, read first time.

On motion of Mr. Taylor, of Cass, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed by the following vote:

YEAS—Messrs. Britton, Erath, Guinn, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Shepard, Stockdale, Tankersly, Taylor, of Cass, Walker and Wren—15.

NAYS—Messrs. Burroughs, Caldwell, Grimes, Martin, Quinan, Stockdale, Throckmorton and Truitt—8.

A bill for the relief of Benjamin F. Terry, read first time.

On motion of Mr. Quinan, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A joint resolution relating to bonds and coupons, read first time.

On motion of Mr. Taylor, of Cass, the rule was suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A bill supplemental to an act to create the nineteenth Judicial District, &c.; read first time.

On motion of Mr. Erath, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A bill defining the times of holding courts in the fourth Judicial District, read first time.

On motion of Mr. Paschal, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A bill for the relief of certain purchasers of Austin city and out lots, read first time.

On motion of Mr. Caldwell, the rule was suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A joint resolution to cause the Indians west of the Pecos river to be settled and collected upon the Reserve provided for them : read first time.

On motion of Mr. Hyde, the rule was suspended, joint resolution read a second time and passed to a third reading.

Rule further suspended, joint resolution read a third time and passed.

The following House bills were severally read first and second times and referred as stated :

A bill to amend the charter of the San Antonio River Navigation Company, passed August 29th, 1856—to the committee on Internal Improvements.

A bill making an appropriation for the payment of certain claims therein mentioned—to the committee on Claims and Accounts.

A bill for the relief of Jesse Walling—to the committee on Private Land Claims.

A bill for the relief of of Jas. T. Gorman—to the same committee.

A bill for the relief of Florinda Dixon ; and

A bill for the relief of the heirs of Abner C. Davis—also to the same committee.

A bill for the relief of Jacob H. Shepherd—to the committee on Finance.

A bill to regulate patrols and prescribe their duties—to the committee on the Judiciary.

A bill to incorporate the Adelphi Society of the Mound Prairie Institute, &c.—to the committee on Education.

A bill for the relief of pre-emption settlers under the acts of January 22d, 1845, February 7th, 1853, and February 14th, 1854—to the committee on the Land Office : and

A bill amendatory of an act to authorize and require the

County Court of Brazoria county to regulate roads, &c.—to the committee on Roads, Bridges and Ferries.

On motion of Mr. Walker, a committee was ordered to be raised on the part of the Senate, to act in conjunction with the select committee on the part of the House, upon the bill to create the twentieth Judicial District.

Messrs. Walker, Throckmorton, Potter, Erath and Britton, were appointed the committee.

On motion of Mr. Herbert, a bill for the relief of the heirs of James Lastley was read and ordered to be engrossed.

Rule suspended, bill read third time and passed.

A message was received from the Governor, transmitting the following communication :

Gentlemen of the Senate,

and House of Representatives :

I return herewith an act for the relief of the Texas Western Railroad Company, &c., &c., to the Senate, in which it originated, for reconsideration.

On examination of the act I find it liable to several objections. The first of which is, that it revives and reinstates a charter that has already been forfeited, by reference to its caption only. The precedent established in this bill is, according to my information, new, and of doubtful propriety at best. I am of opinion that there can be no question of the impolicy of reviving old charters that have been so long in existence, where no work has been done by the company, and no evidence furnished of an exertion to comply with the stipulations.

Although the charter now proposed to be renewed has been in existence six years, the company have never made any report, under the general railroad law ; and there is no official information that any stock has ever been subscribed, or that a dollar in money has been paid. In all the new charters granted during the last two years, it has been provided, that no rights should vest under them, until a certain amount of stock was taken, and five per cent. paid thereon, in cash, at the time of subscribing.

In my first biennial communication to the Legislature, I stated : "I am of the opinion that no new charters should be granted, without requiring (before any franchise can vest) a stock subscription, fully equal to the cost of the grade, and five per cent. advanced thereon at the time of subscribing, or in lieu of that, a sum equal to five per cent. on one-half the

cost of the grade, deposited in the Treasury, as a forfeiture for non-compliance, with interest, if required, at the same rate as that which we are receiving on the school fund loaned to railroads, whenever it is redeemed." These conditions can easily be complied with, where companies possess the willingness and ability to meet their engagements.

There can be neither propriety nor utility in granting charters or extension, without a proper guarantee on the part of those receiving them. Having laid down a principle of action, after the most mature reflection, I cannot in justice to the opinions I entertain, depart from it.

It is true that this bill provides that one hundred thousand dollars of stock, and five per cent. paid thereon, shall be subscribed within six months, after the New Orleans, Algiers and Opelousas Railway shall be completed to the Sabine river. But this provision by no means meets with the requisition, if the length of the road is remembered, which cannot be less than seven or eight hundred miles.

The inexpediency of so many charters on the same line must be manifest, because it will require all the means that can be raised to construct one road. This charter, the Memphis, El Paso and Pacific, and the Southern Pacific, all have the right to run on the same line. This charter is believed to have been once sold to the Pacific Railroad Company, and if that contract has ever been annulled there is no stipulation in the present bill against a repetition of the abuse hereafter.

If a charter is wanted in the district of country through which this is to pass, a new one should be granted, with proper safeguards and restrictions, upon the same principles that they have been granted to others, at this and the last session of the Legislature.

[Signed]

H. R. RUNNELS.

On motion of Mr. Martin, the communication was laid on the table ; and

On motion of Mr. Graham, the Senate adjourned until tomorrow morning 10 o'clock.